

REMARKS

The non-final Office Action dated June 15, 2009 rejected claims 1 and 3, and objected to claims 2 and 4-7. After entry of the present amendment, claims 1-3 and 5-7 remain pending. The present amendment cancels claim 4 and amends independent claims 1 and 3 to clarify the claimed inventions of claims 1 and 3. Dependent claim 2 is amended to reconcile the elements moved into independent claim 1. Dependent claims 5 and 6 are amended to reconcile the elements moved from cancelled claim 4 to independent claim 3. Applicants respectfully request reconsideration of the application in view of the accompanying amendments and remarks.

Claim Rejections Under 35 U.S.C. § 103

In the non-final Office Action, independent claims 1 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aoyama, U.S. Patent No. 5,838,767 (hereinafter, "*Aoyama*") in view of Yamazaki, et al., U.S. Patent Publication No. 2002/096925 (hereinafter, "*Yamazaki*").

Claim 1:

The Office action admits: "Aoyama did not suggest where the simulated test call system is built in a digital stored program control switch *or* implemented within a digital stored program control switch." However, the Office action cites *Yamazaki* as teaching "a simulation system and method disposed within the private branch exchange (i.e., control switch) to simulate control process of the private branch exchange." By the present amendment, independent claim 1 has been amended to include elements taken from dependent claim 2. For example, the hardware subsystem is amended to include the following: "a loop relay panel used for simulating picking-up or hanging-on a phone in a calling or called user terminal and dial function of dial pulse form by the calling user." (Emphasis supplied).

Yamazaki teaches a simulation system and method disposed within the private branch exchange. However, referring to Fig. 2 and the paragraph [0057]-[0060] of *Yamazaki*, when the simulation is set, "the CPU 14A executes the following processing based on the simulation program stored in the first simulation program storage 152 of the storage section 15A." (See paragraph [0057]). "That is, the CPU 14 allows maintenance terminal 3A to execute a known

startup process (step ST3b), display a model indicating the whole private branch exchange apparatus 1A and extension terminals 2 in the display 30, and execute written contents of the application program stored in the application program storage 151 with respect to the model. (See paragraph [0058]). Therefore, when the simulation is carried-out, no action is performed by the hardware in private branch exchange, such as in the time switch 11, or in the extension interface circuit 13. Thus, *Yamazaki* does not disclose or suggest at least “picking-up or hanging-up phones, detecting signaling tone, dialing, sending a test tone, or talking; and report test results to the front call control process module.”

Further referring to the paragraph [0063]-[0067], *Yamazaki* describes performing the simulation of conference call operation. However, *Yamazaki* does not disclose or suggest “a loop relay panel used for simulating picking-up or hanging-on a phone in a calling or called user terminal and dial function of dial pulse form by the calling user.” Therefore, *Yamazaki* neither discloses the above distinguishing technical features, nor provides any relative teachings of applying the above distinguishing technical features to solve the technical problem to be solved in the present invention.

The simulated user call test system in amended claim 1 can test the hardware function process units of the digital stored program control switch. However, in *Aoyama*, the simulation can only test the software provided in the electronic automatic exchange. In *Yamazaki*, hardware action in private branch exchange is simulated by the software programs; therefore, the simulation in *Yamazaki* does not test the hardware function process units of the private branch exchange at all. Therefore, one of ordinary skill in the art at the time the invention was made could not use any teachings of *Yamazaki* to modify the disclosure of *Aoyama* to obtain a technical scheme of the amended claim 1 or to solve the technical problems addressed by the inventions of claim 1. Therefore, it is believed that amended claim 1 is patentable over the cited references.

Claim 3:

The elements of canceled claim 4 have been added to claim 3 to clarify that the call test control flowchart comprises: “(1) first simulating picking-up a phone by a user in an idle state, and entering a state of waiting for dial tone; (2) after detecting the dial tone, preparing for

sending the number, and entering a state of dial; (3) sending the number called in a dual tone multi frequency or dial pulse form according to a setup, after sending the number, initiating a pass detection timer, and entering a state of waiting for pass; (4) receiving the number, analyzing the number, searching for a called user, and feeding ringing back tone by a normal call service system in the switch; (5) if the called user picks up a phone when detecting the ringing, sending a pass test tone and setting the pass detection timer, and entering a state of a pass test; (6) after the calling user receives the pass test tone, sending another pass test tone, and, if the calling user is set first to hang up, setting a talk timer, if not, detecting whether there is a busy tone, and, entering a state of talking; (7) after the called user receives the pass test tone, if the calling user is set first to hang up, detecting whether there is a busy tone, if not, setting a talk timer, and entering a state of talking; (8) when the talk timers of the calling or called users time out or after a busy tone is detected, simulating user hanging up, and releasing the calling and the called users, thereby a call process is complete.” (Emphasis supplied). These elements are not taught or suggested alone or in combination by either *Aoyama* or *Yamazaki*.

The test method in the amended claim 3 can obtain one or more distinct results. For example, the test method can facilitate convenient on-line communication network testing, which may help to find and locate any failure in the software and the hardware function unit in a digital stored program control switch. The software test of *Aoyama* and the simulation of *Yamazaki* cannot obtain the above distinct result. For the above reason, *Aoyama* does not disclose or suggest the elements of the original claims 4, and therefore, amended claim 3 should be allowable over the cited references.

Applicants respectively argue that independent claims 1 and 3 are patentably distinguishable from the cited references. *Aoyama* alone or in combination with *Yamazaki*, does not disclose or suggest each and every element of Applicants’ amended claims 1 and 3, and therefore, amended claims 1 and 3 should be allowable over the cited reference. The Office Action admits that dependent claims 2, and 4-7 contain allowable subject matter. Since amended independent claims 1 and 3 are believed to be patentable for at least the reasons as argued above, the respective dependent claims 2, and 5-7, should also be allowed as a matter of law.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

/Mark Lehi Jones/
Mark Lehi Jones
Representative for the Applicants
Reg. No. 63,064

Date: September 15, 2009

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street NE
Atlanta, Georgia 30309-3996
Telephone: (404) 853-8185
Facsimile: (404) 853-8806

Attorney Docket No.: **25515-0003**